

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

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In Re:

**Christopher Sean Miller and Heather  
Barnwell Miller**

Case No. 07-02089-5-ATS  
Chapter 7

Social Security No.: xxx-xx-7124 and xxx-xx-1523  
Address: 135 Ryder Cup Circle, Raleigh, NC 27603-

Debtors

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**OPPOSITION TO TRUSTEE'S OBJECTION TO EXEMPTIONS**

The Debtors, by and through the attorney undersigned, hereby oppose the objection/ filed by the Chapter 7 Trustee, and dated 11/12/07, in its entirety, based upon the following:

1. Debtors initially listed the value of their residence at a value of \$265,000. For exemption purposes, the Debtors deducted hypothetical administrative costs from this value that would be incurred in the liquidation of the property, which for Schedule C purposes, left a value of \$249,100. It is the Debtors' contention that such costs are necessary for the liquidation and would have to be paid ahead of any money paid to unsecured creditors, and therefore is the proper way of listing such value.
2. Since the filing of the petition the debtors have acquired additional evidence that suggests these values are overstated. This evidence is the sale of comparable properties that sold for significantly less. Based on this evidence the Debtors are seeking a professional opinion of the value of the home so all appropriate changes, if needed, can be made to the schedules.
3. The Debtors, at this time, do not have all information needed to determine the validity of the Trustee's statement regarding the avoidability of the second lien held by Stephen Barnwell. However, it appears to the Debtors, that even if this lien is avoidable, there may not be significant, if any equity in the property, once the appropriate administrative costs are deducted. The Debtors believe the professional opinion they are seeking regarding the value will help determine this fact.
4. The requested information regarding the lien on the 2007 Honda has been provided to the Trustee, and it is the Debtors' belief that this information shows that this lien is not avoidable.

**WHEREFORE** the Debtors pray that the Court deny the Trustee's objection, set this matter for hearing, and provide such other relief as to the Court seems just and proper.

Dated: November 30, 2007

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Josh Hillin

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Josh Hillin  
N.C. State Bar No.: 28288  
6616-203 Six Forks Road  
Raleigh, NC 27615  
(919) 847-9750

**CERTIFICATE OF SERVICE**

I, Josh Hillin, of the Law Offices of John T. Orcutt, P.C., certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on November 30, 2007, I served copies of the foregoing **Opposition to Motion**, by automatic **electronic noticing** upon the following parties:

Joseph N. Callaway  
Chapter 7 Trustee  
P. O. Box 7100  
Rocky Mount, N.C. 27804-0100

Bankruptcy Administrator  
P.O. Box 3758  
Wilson, N.C. 27894-3758

by **regular U.S. mail**, upon the following parties:

Christopher Sean Miller  
and Heather Barnwell Miller  
135 Ryder Cup Circle  
Raleigh, NC 27603

/s Josh Hillin

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Josh Hillin